



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3016

by Rep. Patrick J. Verschoore

SYNOPSIS AS INTRODUCED:

50 ILCS 705/7	from Ch. 85, par. 507
730 ILCS 150/2	from Ch. 38, par. 222
735 ILCS 5/8-2801	

Amends the Illinois Police Training Act. Provides that the curriculum of police training schools shall include training to deal with the victims of human trafficking and shall encourage police officers to communicate in the language of the trafficking victims. Provides that the course of instruction and training standards shall be developed by the Illinois Law enforcement Training Standards Board in consultation with appropriate national and State experts in the field of human trafficking. Amends the Sex Offender Registration Act. Includes in the definition of "sex offense" trafficking in persons, involuntary servitude, and related offenses and permitting sexual abuse of a child. Amends the Code of Civil Procedure. Provides that in civil proceedings, evidence that a witness was a victim of human trafficking is not admissible to prove prior sexual activity or reputation. Effective immediately.

LRB098 09911 RLC 40069 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning human trafficking.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Police Training Act is amended by
5 changing Section 7 as follows:

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

7 Sec. 7. Rules and standards for schools. The Board shall
8 adopt rules and minimum standards for such schools which shall
9 include but not be limited to the following:

10 a. The curriculum for probationary police officers which
11 shall be offered by all certified schools shall include but not
12 be limited to courses of arrest, search and seizure, civil
13 rights, human relations, cultural diversity, including racial
14 and ethnic sensitivity, criminal law, law of criminal
15 procedure, vehicle and traffic law including uniform and
16 non-discriminatory enforcement of the Illinois Vehicle Code,
17 traffic control and accident investigation, techniques of
18 obtaining physical evidence, court testimonies, statements,
19 reports, firearms training, first-aid (including
20 cardiopulmonary resuscitation), handling of juvenile
21 offenders, recognition of mental conditions which require
22 immediate assistance and methods to safeguard and provide
23 assistance to a person in need of mental treatment, recognition

1 of elder abuse and neglect, as defined in Section 2 of the
2 Elder Abuse and Neglect Act, crimes against the elderly, law of
3 evidence, the hazards of high-speed police vehicle chases with
4 an emphasis on alternatives to the high-speed chase, and
5 physical training. The curriculum shall include specific
6 training in techniques for immediate response to and
7 investigation of cases of domestic violence and of sexual
8 assault of adults and children. The curriculum shall include
9 training in techniques designed to promote effective
10 communication at the initial contact with crime victims and
11 ways to comprehensively explain to victims and witnesses their
12 rights under the Rights of Crime Victims and Witnesses Act and
13 the Crime Victims Compensation Act. The curriculum shall also
14 include a block of instruction aimed at identifying and
15 interacting with persons with autism and other developmental
16 disabilities, reducing barriers to reporting crimes against
17 persons with autism, and addressing the unique challenges
18 presented by cases involving victims or witnesses with autism
19 and other developmental disabilities. The curriculum shall
20 include training to deal with the victims of human trafficking,
21 as defined in Section 10-9 of the Criminal Code of 2012, and
22 shall encourage police officers to communicate in the language
23 of the trafficking victims. The course of instruction and
24 training standards shall be developed by the Board in
25 consultation with appropriate national and State experts in the
26 field of human trafficking. The curriculum for permanent police

1 officers shall include but not be limited to (1) refresher and
2 in-service training in any of the courses listed above in this
3 subparagraph, (2) advanced courses in any of the subjects
4 listed above in this subparagraph, (3) training for supervisory
5 personnel, and (4) specialized training in subjects and fields
6 to be selected by the board.

7 b. Minimum courses of study, attendance requirements and
8 equipment requirements.

9 c. Minimum requirements for instructors.

10 d. Minimum basic training requirements, which a
11 probationary police officer must satisfactorily complete
12 before being eligible for permanent employment as a local law
13 enforcement officer for a participating local governmental
14 agency. Those requirements shall include training in first aid
15 (including cardiopulmonary resuscitation).

16 e. Minimum basic training requirements, which a
17 probationary county corrections officer must satisfactorily
18 complete before being eligible for permanent employment as a
19 county corrections officer for a participating local
20 governmental agency.

21 f. Minimum basic training requirements which a
22 probationary court security officer must satisfactorily
23 complete before being eligible for permanent employment as a
24 court security officer for a participating local governmental
25 agency. The Board shall establish those training requirements
26 which it considers appropriate for court security officers and

1 shall certify schools to conduct that training.

2 A person hired to serve as a court security officer must
3 obtain from the Board a certificate (i) attesting to his or her
4 successful completion of the training course; (ii) attesting to
5 his or her satisfactory completion of a training program of
6 similar content and number of hours that has been found
7 acceptable by the Board under the provisions of this Act; or
8 (iii) attesting to the Board's determination that the training
9 course is unnecessary because of the person's extensive prior
10 law enforcement experience.

11 Individuals who currently serve as court security officers
12 shall be deemed qualified to continue to serve in that capacity
13 so long as they are certified as provided by this Act within 24
14 months of the effective date of this amendatory Act of 1996.
15 Failure to be so certified, absent a waiver from the Board,
16 shall cause the officer to forfeit his or her position.

17 All individuals hired as court security officers on or
18 after the effective date of this amendatory Act of 1996 shall
19 be certified within 12 months of the date of their hire, unless
20 a waiver has been obtained by the Board, or they shall forfeit
21 their positions.

22 The Sheriff's Merit Commission, if one exists, or the
23 Sheriff's Office if there is no Sheriff's Merit Commission,
24 shall maintain a list of all individuals who have filed
25 applications to become court security officers and who meet the
26 eligibility requirements established under this Act. Either

1 the Sheriff's Merit Commission, or the Sheriff's Office if no
2 Sheriff's Merit Commission exists, shall establish a schedule
3 of reasonable intervals for verification of the applicants'
4 qualifications under this Act and as established by the Board.
5 (Source: P.A. 97-815, eff. 1-1-13; 97-862, eff. 1-1-13; revised
6 8-3-12.)

7 Section 10. The Sex Offender Registration Act is amended by
8 changing Section 2 as follows:

9 (730 ILCS 150/2) (from Ch. 38, par. 222)

10 Sec. 2. Definitions.

11 (A) As used in this Article, "sex offender" means any
12 person who is:

13 (1) charged pursuant to Illinois law, or any
14 substantially similar federal, Uniform Code of Military
15 Justice, sister state, or foreign country law, with a sex
16 offense set forth in subsection (B) of this Section or the
17 attempt to commit an included sex offense, and:

18 (a) is convicted of such offense or an attempt to
19 commit such offense; or

20 (b) is found not guilty by reason of insanity of
21 such offense or an attempt to commit such offense; or

22 (c) is found not guilty by reason of insanity
23 pursuant to Section 104-25(c) of the Code of Criminal
24 Procedure of 1963 of such offense or an attempt to

1 commit such offense; or

2 (d) is the subject of a finding not resulting in an
3 acquittal at a hearing conducted pursuant to Section
4 104-25(a) of the Code of Criminal Procedure of 1963 for
5 the alleged commission or attempted commission of such
6 offense; or

7 (e) is found not guilty by reason of insanity
8 following a hearing conducted pursuant to a federal,
9 Uniform Code of Military Justice, sister state, or
10 foreign country law substantially similar to Section
11 104-25(c) of the Code of Criminal Procedure of 1963 of
12 such offense or of the attempted commission of such
13 offense; or

14 (f) is the subject of a finding not resulting in an
15 acquittal at a hearing conducted pursuant to a federal,
16 Uniform Code of Military Justice, sister state, or
17 foreign country law substantially similar to Section
18 104-25(a) of the Code of Criminal Procedure of 1963 for
19 the alleged violation or attempted commission of such
20 offense; or

21 (2) declared as a sexually dangerous person pursuant to
22 the Illinois Sexually Dangerous Persons Act, or any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law; or

25 (3) subject to the provisions of Section 2 of the
26 Interstate Agreements on Sexually Dangerous Persons Act;

1 or

2 (4) found to be a sexually violent person pursuant to
3 the Sexually Violent Persons Commitment Act or any
4 substantially similar federal, Uniform Code of Military
5 Justice, sister state, or foreign country law; or

6 (5) adjudicated a juvenile delinquent as the result of
7 committing or attempting to commit an act which, if
8 committed by an adult, would constitute any of the offenses
9 specified in item (B), (C), or (C-5) of this Section or a
10 violation of any substantially similar federal, Uniform
11 Code of Military Justice, sister state, or foreign country
12 law, or found guilty under Article V of the Juvenile Court
13 Act of 1987 of committing or attempting to commit an act
14 which, if committed by an adult, would constitute any of
15 the offenses specified in item (B), (C), or (C-5) of this
16 Section or a violation of any substantially similar
17 federal, Uniform Code of Military Justice, sister state, or
18 foreign country law.

19 Convictions that result from or are connected with the same
20 act, or result from offenses committed at the same time, shall
21 be counted for the purpose of this Article as one conviction.
22 Any conviction set aside pursuant to law is not a conviction
23 for purposes of this Article.

24 For purposes of this Section, "convicted" shall have the
25 same meaning as "adjudicated".

26 (B) As used in this Article, "sex offense" means:

1 (1) A violation of any of the following Sections of the
2 Criminal Code of 1961 or the Criminal Code of 2012:

3 10-9 (trafficking in persons, involuntary
4 servitude, and related offenses),

5 11-20.1 (child pornography),

6 11-20.1B or 11-20.3 (aggravated child
7 pornography),

8 11-6 (indecent solicitation of a child),

9 11-9.1 (sexual exploitation of a child),

10 11-9.1A (permitting sexual abuse of a child),

11 11-9.2 (custodial sexual misconduct),

12 11-9.5 (sexual misconduct with a person with a
13 disability),

14 11-14.4 (promoting juvenile prostitution),

15 11-15.1 (soliciting for a juvenile prostitute),

16 11-18.1 (patronizing a juvenile prostitute),

17 11-17.1 (keeping a place of juvenile
18 prostitution),

19 11-19.1 (juvenile pimping),

20 11-19.2 (exploitation of a child),

21 11-25 (grooming),

22 11-26 (traveling to meet a minor),

23 11-1.20 or 12-13 (criminal sexual assault),

24 11-1.30 or 12-14 (aggravated criminal sexual
25 assault),

26 11-1.40 or 12-14.1 (predatory criminal sexual

1 assault of a child),
2 11-1.50 or 12-15 (criminal sexual abuse),
3 11-1.60 or 12-16 (aggravated criminal sexual
4 abuse),
5 12-33 (ritualized abuse of a child).

6 An attempt to commit any of these offenses.

7 (1.5) A violation of any of the following Sections of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 when the victim is a person under 18 years of age, the
10 defendant is not a parent of the victim, the offense was
11 sexually motivated as defined in Section 10 of the Sex
12 Offender Evaluation and Treatment Act, and the offense was
13 committed on or after January 1, 1996:

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 If the offense was committed before January 1, 1996, it
19 is a sex offense requiring registration only when the
20 person is convicted of any felony after July 1, 2011, and
21 paragraph (2.1) of subsection (c) of Section 3 of this Act
22 applies.

23 (1.6) First degree murder under Section 9-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 provided the offense was sexually motivated as defined in
26 Section 10 of the Sex Offender Management Board Act.

1 (1.7) (Blank).

2 (1.8) A violation or attempted violation of Section
3 11-11 (sexual relations within families) of the Criminal
4 Code of 1961 or the Criminal Code of 2012, and the offense
5 was committed on or after June 1, 1997. If the offense was
6 committed before June 1, 1997, it is a sex offense
7 requiring registration only when the person is convicted of
8 any felony after July 1, 2011, and paragraph (2.1) of
9 subsection (c) of Section 3 of this Act applies.

10 (1.9) Child abduction under paragraph (10) of
11 subsection (b) of Section 10-5 of the Criminal Code of 1961
12 or the Criminal Code of 2012 committed by luring or
13 attempting to lure a child under the age of 16 into a motor
14 vehicle, building, house trailer, or dwelling place
15 without the consent of the parent or lawful custodian of
16 the child for other than a lawful purpose and the offense
17 was committed on or after January 1, 1998, provided the
18 offense was sexually motivated as defined in Section 10 of
19 the Sex Offender Management Board Act. If the offense was
20 committed before January 1, 1998, it is a sex offense
21 requiring registration only when the person is convicted of
22 any felony after July 1, 2011, and paragraph (2.1) of
23 subsection (c) of Section 3 of this Act applies.

24 (1.10) A violation or attempted violation of any of the
25 following Sections of the Criminal Code of 1961 or the
26 Criminal Code of 2012 when the offense was committed on or

1 after July 1, 1999:

2 10-4 (forcible detention, if the victim is under 18
3 years of age), provided the offense was sexually
4 motivated as defined in Section 10 of the Sex Offender
5 Management Board Act,

6 11-6.5 (indecent solicitation of an adult),

7 11-14.3 that involves soliciting for a prostitute,
8 or 11-15 (soliciting for a prostitute, if the victim is
9 under 18 years of age),

10 subdivision (a)(2)(A) or (a)(2)(B) of Section
11 11-14.3, or Section 11-16 (pandering, if the victim is
12 under 18 years of age),

13 11-18 (patronizing a prostitute, if the victim is
14 under 18 years of age),

15 subdivision (a)(2)(C) of Section 11-14.3, or
16 Section 11-19 (pimping, if the victim is under 18 years
17 of age).

18 If the offense was committed before July 1, 1999, it is
19 a sex offense requiring registration only when the person
20 is convicted of any felony after July 1, 2011, and
21 paragraph (2.1) of subsection (c) of Section 3 of this Act
22 applies.

23 (1.11) A violation or attempted violation of any of the
24 following Sections of the Criminal Code of 1961 or the
25 Criminal Code of 2012 when the offense was committed on or
26 after August 22, 2002:

1 11-9 or 11-30 (public indecency for a third or
2 subsequent conviction).

3 If the third or subsequent conviction was imposed
4 before August 22, 2002, it is a sex offense requiring
5 registration only when the person is convicted of any
6 felony after July 1, 2011, and paragraph (2.1) of
7 subsection (c) of Section 3 of this Act applies.

8 (1.12) A violation or attempted violation of Section
9 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
10 Criminal Code of 1961 or the Criminal Code of 2012
11 (permitting sexual abuse) when the offense was committed on
12 or after August 22, 2002. If the offense was committed
13 before August 22, 2002, it is a sex offense requiring
14 registration only when the person is convicted of any
15 felony after July 1, 2011, and paragraph (2.1) of
16 subsection (c) of Section 3 of this Act applies.

17 (2) A violation of any former law of this State
18 substantially equivalent to any offense listed in
19 subsection (B) of this Section.

20 (C) A conviction for an offense of federal law, Uniform
21 Code of Military Justice, or the law of another state or a
22 foreign country that is substantially equivalent to any offense
23 listed in subsections (B), (C), (E), and (E-5) of this Section
24 shall constitute a conviction for the purpose of this Article.
25 A finding or adjudication as a sexually dangerous person or a
26 sexually violent person under any federal law, Uniform Code of

1 Military Justice, or the law of another state or foreign
2 country that is substantially equivalent to the Sexually
3 Dangerous Persons Act or the Sexually Violent Persons
4 Commitment Act shall constitute an adjudication for the
5 purposes of this Article.

6 (C-5) A person at least 17 years of age at the time of the
7 commission of the offense who is convicted of first degree
8 murder under Section 9-1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, against a person under 18 years of age,
10 shall be required to register for natural life. A conviction
11 for an offense of federal, Uniform Code of Military Justice,
12 sister state, or foreign country law that is substantially
13 equivalent to any offense listed in subsection (C-5) of this
14 Section shall constitute a conviction for the purpose of this
15 Article. This subsection (C-5) applies to a person who
16 committed the offense before June 1, 1996 if: (i) the person is
17 incarcerated in an Illinois Department of Corrections facility
18 on August 20, 2004 (the effective date of Public Act 93-977),
19 or (ii) subparagraph (i) does not apply and the person is
20 convicted of any felony after July 1, 2011, and paragraph (2.1)
21 of subsection (c) of Section 3 of this Act applies.

22 (C-6) A person who is convicted or adjudicated delinquent
23 of first degree murder as defined in Section 9-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, against a
25 person 18 years of age or over, shall be required to register
26 for his or her natural life. A conviction for an offense of

1 federal, Uniform Code of Military Justice, sister state, or
2 foreign country law that is substantially equivalent to any
3 offense listed in subsection (C-6) of this Section shall
4 constitute a conviction for the purpose of this Article. This
5 subsection (C-6) does not apply to those individuals released
6 from incarceration more than 10 years prior to January 1, 2012
7 (the effective date of Public Act 97-154).

8 (D) As used in this Article, "law enforcement agency having
9 jurisdiction" means the Chief of Police in each of the
10 municipalities in which the sex offender expects to reside,
11 work, or attend school (1) upon his or her discharge, parole or
12 release or (2) during the service of his or her sentence of
13 probation or conditional discharge, or the Sheriff of the
14 county, in the event no Police Chief exists or if the offender
15 intends to reside, work, or attend school in an unincorporated
16 area. "Law enforcement agency having jurisdiction" includes
17 the location where out-of-state students attend school and
18 where out-of-state employees are employed or are otherwise
19 required to register.

20 (D-1) As used in this Article, "supervising officer" means
21 the assigned Illinois Department of Corrections parole agent or
22 county probation officer.

23 (E) As used in this Article, "sexual predator" means any
24 person who, after July 1, 1999, is:

- 25 (1) Convicted for an offense of federal, Uniform Code
26 of Military Justice, sister state, or foreign country law

1 that is substantially equivalent to any offense listed in
2 subsection (E) or (E-5) of this Section shall constitute a
3 conviction for the purpose of this Article. Convicted of a
4 violation or attempted violation of any of the following
5 Sections of the Criminal Code of 1961 or the Criminal Code
6 of 2012:

7 10-5.1 (luring of a minor),

8 11-14.4 that involves keeping a place of juvenile
9 prostitution, or 11-17.1 (keeping a place of juvenile
10 prostitution),

11 subdivision (a) (2) or (a) (3) of Section 11-14.4,
12 or Section 11-19.1 (juvenile pimping),

13 subdivision (a) (4) of Section 11-14.4, or Section
14 11-19.2 (exploitation of a child),

15 11-20.1 (child pornography),

16 11-20.1B or 11-20.3 (aggravated child
17 pornography),

18 11-1.20 or 12-13 (criminal sexual assault),

19 11-1.30 or 12-14 (aggravated criminal sexual
20 assault),

21 11-1.40 or 12-14.1 (predatory criminal sexual
22 assault of a child),

23 11-1.60 or 12-16 (aggravated criminal sexual
24 abuse),

25 12-33 (ritualized abuse of a child);

26 (2) (blank);

1 (3) declared as a sexually dangerous person pursuant to
2 the Sexually Dangerous Persons Act or any substantially
3 similar federal, Uniform Code of Military Justice, sister
4 state, or foreign country law;

5 (4) found to be a sexually violent person pursuant to
6 the Sexually Violent Persons Commitment Act or any
7 substantially similar federal, Uniform Code of Military
8 Justice, sister state, or foreign country law;

9 (5) convicted of a second or subsequent offense which
10 requires registration pursuant to this Act. For purposes of
11 this paragraph (5), "convicted" shall include a conviction
12 under any substantially similar Illinois, federal, Uniform
13 Code of Military Justice, sister state, or foreign country
14 law;

15 (6) (blank); or

16 (7) if the person was convicted of an offense set forth
17 in this subsection (E) on or before July 1, 1999, the
18 person is a sexual predator for whom registration is
19 required only when the person is convicted of a felony
20 offense after July 1, 2011, and paragraph (2.1) of
21 subsection (c) of Section 3 of this Act applies.

22 (E-5) As used in this Article, "sexual predator" also means
23 a person convicted of a violation or attempted violation of any
24 of the following Sections of the Criminal Code of 1961 or the
25 Criminal Code of 2012:

26 (1) Section 9-1 (first degree murder, when the victim

1 was a person under 18 years of age and the defendant was at
2 least 17 years of age at the time of the commission of the
3 offense, provided the offense was sexually motivated as
4 defined in Section 10 of the Sex Offender Management Board
5 Act);

6 (2) Section 11-9.5 (sexual misconduct with a person
7 with a disability);

8 (3) when the victim is a person under 18 years of age,
9 the defendant is not a parent of the victim, the offense
10 was sexually motivated as defined in Section 10 of the Sex
11 Offender Management Board Act, and the offense was
12 committed on or after January 1, 1996: (A) Section 10-1
13 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
14 (C) Section 10-3 (unlawful restraint), and (D) Section
15 10-3.1 (aggravated unlawful restraint); and

16 (4) Section 10-5(b)(10) (child abduction committed by
17 luring or attempting to lure a child under the age of 16
18 into a motor vehicle, building, house trailer, or dwelling
19 place without the consent of the parent or lawful custodian
20 of the child for other than a lawful purpose and the
21 offense was committed on or after January 1, 1998, provided
22 the offense was sexually motivated as defined in Section 10
23 of the Sex Offender Management Board Act).

24 (E-10) As used in this Article, "sexual predator" also
25 means a person required to register in another State due to a
26 conviction, adjudication or other action of any court

1 triggering an obligation to register as a sex offender, sexual
2 predator, or substantially similar status under the laws of
3 that State.

4 (F) As used in this Article, "out-of-state student" means
5 any sex offender, as defined in this Section, or sexual
6 predator who is enrolled in Illinois, on a full-time or
7 part-time basis, in any public or private educational
8 institution, including, but not limited to, any secondary
9 school, trade or professional institution, or institution of
10 higher learning.

11 (G) As used in this Article, "out-of-state employee" means
12 any sex offender, as defined in this Section, or sexual
13 predator who works in Illinois, regardless of whether the
14 individual receives payment for services performed, for a
15 period of time of 10 or more days or for an aggregate period of
16 time of 30 or more days during any calendar year. Persons who
17 operate motor vehicles in the State accrue one day of
18 employment time for any portion of a day spent in Illinois.

19 (H) As used in this Article, "school" means any public or
20 private educational institution, including, but not limited
21 to, any elementary or secondary school, trade or professional
22 institution, or institution of higher education.

23 (I) As used in this Article, "fixed residence" means any
24 and all places that a sex offender resides for an aggregate
25 period of time of 5 or more days in a calendar year.

26 (J) As used in this Article, "Internet protocol address"

1 means the string of numbers by which a location on the Internet
2 is identified by routers or other computers connected to the
3 Internet.

4 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
5 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
6 97-1073, eff. 1-1-13; 97-1098, eff. 1-1-13; 97-1109, eff.
7 1-1-13; 97-1150, eff. 1-25-13.)

8 Section 15. The Code of Civil Procedure is amended by
9 changing Section 8-2801 as follows:

10 (735 ILCS 5/8-2801)

11 Sec. 8-2801. Admissibility of evidence; prior sexual
12 activity or reputation.

13 (a) Evidence generally inadmissible. The following
14 evidence is not admissible in any civil proceeding except as
15 provided in subsections (b) and (c):

16 (1) evidence offered to prove that any victim engaged
17 in other sexual behavior or was a victim of human
18 trafficking as defined in Section 10-9 of the Criminal Code
19 of 2012; or

20 (2) evidence offered to prove any victim's sexual
21 predisposition.

22 (b) Exceptions.

23 (1) In a civil case, the following evidence is
24 admissible, if otherwise admissible under this Act:

1 (A) evidence of specific instances of sexual
2 behavior by the victim offered to prove that a person
3 other than the accused was the source of semen, injury,
4 or other physical evidence; and

5 (B) evidence of specific instances of sexual
6 behavior by the victim with respect to the person
7 accused of the sexual misconduct offered by the accused
8 to prove consent by the victim.

9 (c) Procedure to determine admissibility.

10 (1) A party intending to offer evidence under
11 subsection (b) must:

12 (A) file a written motion at least 14 days before
13 trial specifically describing the evidence and stating
14 the purpose for which it is offered unless the court,
15 for good cause requires a different time for filing or
16 permits filing during trial; and

17 (B) serve the motion on all parties and notify the
18 victim or, when appropriate, the victim's guardian or
19 representative.

20 (2) Before admitting evidence under this Section the
21 court must conduct a hearing in camera and afford the
22 victim and parties a right to attend and be heard. The
23 motion, related papers, and the record of the hearing must
24 be sealed and remain under seal unless the court orders
25 otherwise.

26 (Source: P.A. 96-307, eff. 1-1-10.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.